

**FORTY-FOURTH DAY - MARCH 18, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 18, 2014

**PRAYER**

The prayer was offered by Reverend Roxie Sullivan, First United Presbyterian Church, Falls City.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senator Christensen who was excused; and Senator Sullivan who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 905.** Placed on Select File with amendment.

ER168

1	1. In the Standing Committee amendments, AM2019:		
2	a. Strike section 62 and insert the following new		
3	section:		
4	Sec. 62. Laws 2013, LB195, section 109, is amended to		
5	read:		
6	Sec. 109. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN		
7	SERVICES		
8	Program No. 424 - Developmental Disability Aid		
9		FY2013-14	FY2014-15
10	<del>GENERAL FUND</del>	<del>109,173,012</del>	<del>126,248,291</del>
11	<u>GENERAL FUND</u>	<u>110,673,012</u>	<u>137,040,195</u>
12	CASH FUND	6,312,000	6,312,000
13	<del>PROGRAM TOTAL</del>	<del>115,485,012</del>	<del>132,560,291</del>
14	<u>PROGRAM TOTAL</u>	<u>116,985,012</u>	<u>143,352,195</u>

15 (1) There is included in the appropriation to this  
16 program for FY2013-14 ~~\$109,173,012~~ \$110,673,012 General Funds and  
17 \$6,312,000 Cash Funds for state aid, which shall only be used  
18 for such purpose. There is included in the appropriation to this  
19 program for FY2014-15 ~~\$126,248,291~~ \$137,040,195 General Funds and  
20 \$6,312,000 Cash Funds for state aid, which shall only be used for  
21 such purpose.

22 (2) There is included in the amount shown as Cash Fund  
23 aid in this program for FY2013-14 \$5,000,000 Cash Funds and for  
1 FY2014-15 \$5,000,000 Cash Funds from the Nebraska Health Care  
2 Cash Fund to be used for services for persons with developmental  
3 disabilities ~~(1)-(a)~~ who were on the waiting list for such services  
4 prior to July 1, 2001, and began receiving such services on and  
5 after such date and ~~(2)-(b)~~ who are on the waiting list for such  
6 services on and after July 1, 2013, beginning with those who have  
7 been on the waiting list for the greatest length of time past their  
8 date of need.

9 (3) There is included in the amount shown as General Fund  
10 aid in this program for FY2013-14 \$2,826,383 General Funds for a  
11 two and twenty-five hundredths percent increase in rates paid to  
12 providers of developmental disability services, which shall only be  
13 used for such purpose.

14 (4) There is included in the amount shown as General Fund  
15 aid in this program for FY2014-15 \$2,595,048 General Funds for a  
16 two percent increase in rates paid to providers of developmental  
17 disability services, which shall only be used for such purpose.

18 (5)(a) There is included in the amount shown for this  
19 program for FY2013-14 \$1,500,000 General Funds and for FY2014-15  
20 \$1,500,000 General Funds for a State Ward Permanency Pilot  
21 Project which is hereby created. The pilot project shall provide  
22 developmental disabilities services to state wards in order to  
23 provide optimal habilitative supports and promote permanency.

24 (b) The pilot project shall serve (i) state wards who  
25 are eligible for services through the Division of Developmental  
26 Disabilities of the Department of Health and Human Services and who  
27 do not qualify for priority status and (ii) state wards who are  
1 in need of habilitative supports to achieve permanency. Services  
2 shall include any service provided pursuant to the Developmental  
3 Disabilities Services Act available to persons under twenty-one  
4 years of age.

5 (c) A state ward shall be eligible to participate in the  
6 pilot project if he or she qualifies for developmental disabilities  
7 services and has been assessed to need individually planned and  
8 coordinated habilitative supports, such as those addressing skills  
9 necessary for self-care, communication, mobility, and capacity for  
10 independent living. State wards currently receiving an enhanced  
11 level of care through letters of agreement between the Division  
12 of Children and Family Services of the Department of Health and  
13 Human Services and the providers of such enhanced level of care

14 and state wards with above-average habilitative needs as indicated  
15 on assessments shall be given priority to participate in the pilot  
16 project.

17 (d) The Division of Developmental Disabilities of the  
18 Department of Health and Human Services, the Division of Children  
19 and Family Services of the department or any lead agency, the State  
20 Department of Education, and developmental disabilities service  
21 providers shall collaborate to implement the pilot project to  
22 promote stability and permanency for state wards, to provide  
23 assessments, and to provide training to caseworkers and service  
24 providers.

25 (e) The pilot project shall collect data on the  
26 following:

27 (i) The impact of services provided pursuant to the pilot  
1 project on state wards' developmental progress;

2 (ii) The number of state wards participating in the  
3 pilot project who achieve permanency in the child welfare system,  
4 including adoption, permanent guardianship, reunification, or  
5 another form of permanency;

6 (iii) The level of stability in placements for state  
7 wards participating in the pilot project;

8 (iv) The total number of state wards participating in the  
9 pilot project and their current status in the child welfare system;  
10 and

11 (v) The impact on the overall support to families before  
12 and after permanency is achieved through adoption, permanent  
13 guardianship, reunification, or another form of permanency for  
14 twelve months following court involvement.

15 (f) Data collected from the project shall be reported to  
16 the Foster Care Review Office which shall analyze the data and  
17 electronically provide a report to the Health and Human Services  
18 Committee of the Legislature and the Appropriations Committee of  
19 the Legislature every six months during the term of the pilot  
20 project.

21 (g) The pilot project shall terminate June 30, 2016.

22 (6) There is included in the amount shown as General  
23 Fund aid in this program for FY2013-14 \$1,946,650 General Funds and  
24 for FY2014-15 ~~\$3,893,300~~ \$8,638,300 General Funds to be used for  
25 services for persons with developmental disabilities who were on  
26 the waiting list and past their date of need for services as of  
27 January 18, 2013, beginning with those who have been on the waiting  
1 list for the greatest length of time past their date of need.

2 (7) It is the intent of the Legislature that the  
3 Department of Health and Human Services shall provide a quarterly  
4 report to the Legislature regarding the usage of General Funds  
5 and Federal Funds for the waiting list. The initial quarterly  
6 report shall be submitted within two weeks after the quarter ending  
7 September 30, 2013. Subsequent reports shall be submitted for the  
8 ensuing quarters, within two weeks after the end of each quarter,

9 for FY2013-14 and FY2014-15. The reports shall include, but not  
 10 be limited to, the number of persons offered services, the type  
 11 of service offered and the cost of such services, the number of  
 12 persons accepting services, the services accepted, the cost of each  
 13 type of service accepted in each fiscal year, and ongoing annual  
 14 expenditures for such services.

15 (8) The reports required by this section shall be  
 16 submitted electronically.

17 b. On page 5, line 11, strike "Facility";

18 c. On page 7, line 25, after "title" insert "and";

19 d. On page 9, line 9, after the first "the" insert  
 20 "Nebraska"; and in line 11 after "the" insert "federal";

21 e. On page 19, line 9, after "aid" insert an underscored  
 22 comma;

23 f. On page 21, line 19, after "project" insert an  
 24 underscored comma; and in line 22 after "Legislature" insert  
 25 "electronically";

26 g. On page 29, line 22, after "Nebraska" insert an  
 27 underscored comma;

1 h. On page 53, line 25, after "Committee" insert "of the  
 2 Legislature";

3 i. On page 60, strike line 27;

4 j. On page 61, line 1, strike beginning with "Third"  
 5 through "2014," and insert "Pursuant to sections 24-205 and  
 6 24-227.01";

7 k. On page 65, line 12, after "Title" insert "and"; and

8 l. On page 84, line 19, after "108," insert "109,"; in  
 9 line 20 after "232," insert "233,"; and in line 24 after "95"  
 10 insert a semicolon.

11 2. On page 1, strike lines 2 through 8 and insert  
 12 "sections 18, 46, 47, 48, 67, 75, 87, 92, 93, 94, 102, 103, 107,  
 13 108, 109, 142, 161, 167, 169, 203, 232, 233, 236, 250, 261, 263,  
 14 and 264; Laws 2013, LB198, section 51; Laws 2013, LB6A, section  
 15 1; Laws 2013, LB517A, section 1; and section 90-539, Revised  
 16 Statutes Supplement, 2013; to define terms; to provide, change,  
 17 and eliminate provisions relating to appropriations; to repeal the  
 18 original sections; to outright repeal Laws 2013, LB195, section 95;  
 19 and Laws 2013, LB583A, section 1; and to declare an emergency."

**LEGISLATIVE BILL 906.** Placed on Select File with amendment.

ER171

1 1. In the Standing Committee amendments, AM2175:

2 a. On page 1, lines 7 and 18, after "Title" insert "and";

3 b. On page 12, line 13, after "dollars" insert "from the  
 4 Supreme Court Education Fund"; and in line 16 strike "fund", show  
 5 as stricken, and insert "Supreme Court Education Fund"; and

6 c. On page 13, line 8, after "dollars" insert "from the  
 7 Supreme Court Automation Cash Fund".

8 2. On page 1, strike beginning with "2-3225" in line

9 1 through line 4 and insert "2-1588, 2-1592, 2-3225, 2-3226.05,  
 10 and 81-1204, Reissue Revised Statutes of Nebraska, sections  
 11 24-205, 24-227.01, 39-1390, 48-622.01, 58-708, and 81-1205,  
 12 Revised Statutes Cumulative Supplement, 2012, and sections 71-7611  
 13 and 81-2516, Revised Statutes Supplement, 2013; to provide for  
 14 transfers of funds; to create and eliminate funds; to change  
 15 provisions relating to the source of revenue and use of funds in  
 16 the Nebraska Resources Development Fund, for water and related land  
 17 resources, by natural resources districts, for judges' education  
 18 and retirement, for Supreme Court automation, for employment  
 19 security settlements, from the Affordable Housing Trust Fund, from  
 20 the Nebraska Health Care Cash Fund, and for job training grants; to  
 21 require reports; to".

**LEGISLATIVE BILL 130.** Placed on Select File with amendment.

ER169

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 66-1345, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 66-1345 (1) There is hereby created the Ethanol  
 6 Production Incentive Cash Fund which shall be used by the board  
 7 to pay the credits created in section 66-1344 to the extent  
 8 provided in this section. Any money in the fund available for  
 9 investment shall be invested by the state investment officer  
 10 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 11 State Funds Investment Act. The State Treasurer shall transfer to  
 12 the Ethanol Production Incentive Cash Fund such money as shall be  
 13 (a) appropriated to the Ethanol Production Incentive Cash Fund by  
 14 the Legislature, (b) given as gifts, bequests, grants, or other  
 15 contributions to the Ethanol Production Incentive Cash Fund from  
 16 public or private sources, (c) made available due to failure to  
 17 fulfill conditional requirements pursuant to investment agreements  
 18 entered into prior to April 30, 1992, (d) received as return on  
 19 investment of the Ethanol Authority and Development Cash Fund, (e)  
 20 credited to the Ethanol Production Incentive Cash Fund from the  
 21 excise taxes imposed by section 66-1345.01 through December 31,  
 22 2012, and (f) credited to the Ethanol Production Incentive Cash  
 23 Fund pursuant to sections 66-489, 66-726, 66-1345.04, and 66-1519,  
 1 ~~and (g) directed to be transferred pursuant to section 84-612.~~  
 2 (2) The Department of Revenue shall, at the end of each  
 3 calendar month, notify the State Treasurer of the amount of motor  
 4 fuel tax that was not collected in the preceding calendar month  
 5 due to the credits provided in section 66-1344. The State Treasurer  
 6 shall transfer from the Ethanol Production Incentive Cash Fund to  
 7 the Highway Trust Fund an amount equal to such credits less the  
 8 following amounts:

9 (a) For 1993, 1994, and 1995, the amount generated during  
10 the calendar quarter by a one-cent tax on motor fuel pursuant to  
11 sections 66-489 and 66-6,107;

12 (b) For 1996, the amount generated during the calendar  
13 quarter by a three-quarters-cent tax on motor fuel pursuant to such  
14 sections;

15 (c) For 1997, the amount generated during the calendar  
16 quarter by a one-half-cent tax on motor fuel pursuant to such  
17 sections; and

18 (d) For 1998 and each year thereafter, no reduction.

19 For 1993 through 1997, if the amount generated pursuant  
20 to subdivisions (a), (b), and (c) of this subsection and the  
21 amount transferred pursuant to subsection (1) of this section are  
22 not sufficient to fund the credits provided in section 66-1344,  
23 then the credits shall be funded through the Ethanol Production  
24 Incentive Cash Fund but shall not be funded through either the  
25 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year  
26 thereafter, the credits provided in such section shall be funded  
27 through the Ethanol Production Incentive Cash Fund but shall not be  
1 funded through either the Highway Cash Fund or the Highway Trust  
2 Fund.

3 If, during any month, the amount of money in the Ethanol  
4 Production Incentive Cash Fund is not sufficient to reimburse the  
5 Highway Trust Fund for credits earned pursuant to section 66-1344,  
6 the Department of Revenue shall suspend the transfer of credits by  
7 ethanol producers until such time as additional funds are available  
8 in the Ethanol Production Incentive Cash Fund for transfer to the  
9 Highway Trust Fund. Thereafter, the Department of Revenue shall, at  
10 the end of each month, allow transfer of accumulated credits earned  
11 by each ethanol producer on a prorated basis derived by dividing  
12 the amount in the fund by the aggregate amount of accumulated  
13 credits earned by all ethanol producers.

14 (3) The State Treasurer shall transfer from the Ethanol  
15 Production Incentive Cash Fund to the Management Services Expense  
16 Revolving Fund the amount reported under subsection (4) of section  
17 66-1345.02 for each calendar month of the fiscal year as provided  
18 in such subsection.

19 (4) On December 31, 2012, the State Treasurer shall  
20 transfer one-half of the unexpended and unobligated funds,  
21 including all subsequent investment interest, from the Ethanol  
22 Production Incentive Cash Fund to the Nebraska Corn Development,  
23 Utilization, and Marketing Fund and the Grain Sorghum Development,  
24 Utilization, and Marketing Fund in the same proportion as funds  
25 were collected pursuant to section 66-1345.01 from corn and grain  
26 sorghum. The Department of Agriculture shall assist the State  
27 Treasurer in determining the amounts to be transferred to the  
1 funds. The State Treasurer shall transfer the remaining one-half of  
2 the unexpended and unobligated funds to the General Fund.

3 (5) Whenever the unobligated balance in the Ethanol  
4 Production Incentive Cash Fund exceeds twenty million dollars, the  
5 Department of Revenue shall notify the Department of Agriculture at  
6 which time the Department of Agriculture shall suspend collection  
7 of the excise tax levied pursuant to section 66-1345.01. If, after  
8 suspension of the collection of such excise tax, the balance of  
9 the fund falls below ten million dollars, the Department of Revenue  
10 shall notify the Department of Agriculture which shall resume  
11 collection of the excise tax.

12 (6) On or before December 1, 2003, and each December  
13 1 thereafter, the Department of Revenue and the Nebraska Ethanol  
14 Board shall jointly submit a report electronically to the  
15 Legislature which shall project the anticipated revenue and  
16 expenditures from the Ethanol Production Incentive Cash Fund  
17 through the termination of the ethanol production incentive  
18 programs pursuant to section 66-1344. The initial report shall  
19 include a projection of the amount of ethanol production for  
20 which the Department of Revenue has entered agreements to provide  
21 ethanol production credits pursuant to section 66-1344.01 and any  
22 additional ethanol production which the Department of Revenue and  
23 the Nebraska Ethanol Board reasonably anticipate may qualify for  
24 credits pursuant to section 66-1344.

25 Sec. 2. Section 84-612, Revised Statutes Supplement,  
26 2013, is amended to read:

27 84-612 (1) There is hereby created within the state  
1 treasury a fund known as the Cash Reserve Fund which shall be under  
2 the direction of the State Treasurer. The fund shall only be used  
3 pursuant to this section.

4 (2) The State Treasurer shall transfer funds from the  
5 Cash Reserve Fund to the General Fund upon certification by the  
6 Director of Administrative Services that the current cash balance  
7 in the General Fund is inadequate to meet current obligations. Such  
8 certification shall include the dollar amount to be transferred.  
9 Any transfers made pursuant to this subsection shall be reversed  
10 upon notification by the Director of Administrative Services that  
11 sufficient funds are available.

12 (3) In addition to receiving transfers from other funds,  
13 the Cash Reserve Fund shall receive federal funds received by the  
14 State of Nebraska for undesignated general government purposes,  
15 federal revenue sharing, or general fiscal relief of the state.

16 (4) On July 7, 2009, the State Treasurer shall transfer  
17 five million dollars from the Cash Reserve Fund to the Roads  
18 Operations Cash Fund. The Department of Roads shall use such  
19 funds to provide the required state match for federal funding made  
20 available to the state through congressional earmarks.

21 ~~(5) The State Treasurer shall transfer a total of~~  
22 ~~thirty seven million dollars from the Cash Reserve Fund to the~~  
23 ~~General Fund on or before June 30, 2012, on such dates and in~~

24 such amounts as directed by the budget administrator of the budget  
25 division of the Department of Administrative Services.

26 ~~(6)~~(5) The State Treasurer shall transfer a total of  
27 sixty-eight million dollars from the Cash Reserve Fund to the  
1 General Fund on or before June 30, 2013, on such dates and in  
2 such amounts as directed by the budget administrator of the budget  
3 division of the Department of Administrative Services.

4 ~~(7)~~ The State Treasurer, at the direction of the  
5 budget administrator of the budget division of the Department  
6 of Administrative Services, shall transfer not to exceed twelve  
7 million dollars in total between July 1, 2011, and November  
8 30, 2012, from the Cash Reserve Fund to the Ethanol Production  
9 Incentive Cash Fund, for ethanol production incentive credits,  
10 on such dates and in such amounts as certified by the Tax  
11 Commissioner.

12 ~~(8)~~ The State Treasurer, at the direction of the  
13 budget administrator of the budget division of the Department  
14 of Administrative Services, shall transfer an amount equal to the  
15 total amount transferred pursuant to subsection (7) of this section  
16 from the Ethanol Production Incentive Cash Fund to the Cash Reserve  
17 Fund in such amounts as certified by the Tax Commissioner on or  
18 before November 30, 2012.

19 ~~(9)~~ The State Treasurer, at the direction of the  
20 budget administrator of the budget division of the Department  
21 of Administrative Services, shall transfer eighty million dollars  
22 from the Cash Reserve Fund to the Nebraska Capital Construction  
23 Fund on or before August 15, 2012.

24 ~~(10)~~ The State Treasurer, at the direction of the  
25 budget administrator of the budget division of the Department  
26 of Administrative Services, shall transfer one million dollars from  
27 the Cash Reserve Fund to the Affordable Housing Trust Fund on or  
1 before August 15, 2012.

2 ~~(11)~~(6) The State Treasurer shall transfer ten million  
3 dollars from the Cash Reserve Fund to the General Fund on  
4 or before June 30, 2013, on such date as directed by the  
5 budget administrator of the budget division of the Department  
6 of Administrative Services.

7 ~~(12)~~(7) The State Treasurer, at the direction of the  
8 budget administrator of the budget division of the Department of  
9 Administrative Services, shall transfer not to exceed forty-three  
10 million fifteen thousand four hundred fifty-nine dollars in total  
11 from the Cash Reserve Fund to the Nebraska Capital Construction  
12 Fund between July 1, 2013, and June 30, 2017.

13 (8) The State Treasurer shall transfer fourteen million  
14 five hundred thousand dollars from the Cash Reserve Fund to the  
15 Nebraska Capital Construction Fund on or before June 30, 2015, on  
16 such date as directed by the budget administrator of the budget  
17 division of the Department of Administrative Services.



18 (9) The State Treasurer shall transfer fifty million five  
 19 hundred thousand dollars from the Cash Reserve Fund to the General  
 20 Fund on or before December 31, 2014, on such date as directed by  
 21 the budget administrator of the budget division of the Department  
 22 of Administrative Services.

23 Sec. 3. Original section 66-1345, Revised Statutes  
 24 Cumulative Supplement, 2012, and section 84-612, Revised Statutes  
 25 Supplement, 2013, are repealed.

26 2. On page 1, strike beginning with "sections" in line  
 27 1 through line 5 and insert "section 66-1345, Revised Statutes  
 1 Cumulative Supplement, 2012, and section 84-612, Revised Statutes  
 2 Supplement, 2013; to provide and eliminate transfers of funds; to  
 3 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 949.** Placed on Select File with amendment.

ER170

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. The following sums of money, or so much  
 4 thereof as may be required, are hereby appropriated from the  
 5 General Fund or from other funds as indicated in the state  
 6 treasury, not otherwise appropriated, for the payment of tort  
 7 claims which have been settled by the State Claims Board and  
 8 approved by the district court, which have been settled by the  
 9 Attorney General in the district court, or in which court judgments  
 10 have been entered and which require the approval of the Legislature  
 11 for payment.

12 \$600,000.00 for Tort Claim Number 2009-03406, against the  
 13 State of Nebraska, pay to Locke E. Bowman, Roderick MacArthur  
 14 Justice Center, Northwestern University School of Law, 375 East  
 15 Chicago Avenue, Chicago, IL 60611, out of the General Fund.

16 \$152,752.67 for Tort Claim Number 2009-03539, against  
 17 the State of Nebraska, pay to Sandra Ham, Guardian for Ian Ham,  
 18 and Disability Rights Nebraska, 134 South 13th Street, Suite 600,  
 19 Lincoln, NE 68508, out of the General Fund.

20 \$250,000 for Tort Claim Number 2010-09761, against the  
 21 State of Nebraska, pay to Berry Law Firm, 2650 North 48th Street,  
 22 Lincoln, NE 68504-3631, out of the General Fund.

23 \$125,000 for Tort Claim Number 2011-11365, against the  
 1 State of Nebraska, pay \$48,564 to Mattson Ricketts Law Firm, 134  
 2 South 13th Street, Suite 1200, Lincoln, NE 68508, and pay \$76,436  
 3 to Pacific Life and Annuity Services, Inc., 700 Newport Center  
 4 Drive, 1st Floor Treasury, Newport Beach, CA 92660-6397, out of the  
 5 General Fund.

6 \$15,000 for Tort Claim Number 2014-13247, against the  
 7 State of Nebraska, pay to Telma S. Diaz and Adam Sipple, 9900  
 8 Nicholas Street, Suite 225, Omaha, NE 68114, out of the General  
 9 Fund.

10 \$325,000 for Tort Claim Number 2014-13248, against the  
 11 State of Nebraska, pay to Nicholas Sampson and Chaloupka, Holyoke,  
 12 Snyder, Chaloupka, Longoria, and Kishiyama PC, LLO, 1714 Second  
 13 Avenue, P.O. Box 2424, Scottsbluff, NE 69363-2424, out of the  
 14 General Fund.

15 The claims included in this section shall be paid through  
 16 Program 591 in Agency 65.

17 For informational purposes only, the appropriations  
 18 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
20 <u>GENERAL FUND</u>	<u>\$1,467,752.67</u>
21 <u>CASH FUND</u>	<u>\$-0-</u>
22 <u>REVOLVING FUND</u>	<u>\$-0-</u>
23 <u>TOTAL</u>	<u>\$1,467,752.67</u>

24 Sec. 2. The following sums of money, or so much thereof  
 25 as may be required, are hereby appropriated from the General  
 26 Fund or from other funds as indicated in the state treasury, not  
 27 otherwise appropriated, for the payment of tort claims which have  
 1 been settled by the State Claims Board and approved by the district  
 2 court, which have been settled by the Attorney General in the  
 3 district court, or in which court judgments have been entered and  
 4 which require the approval of the Legislature for payment.

5 \$575,000 for Tort Claim Number 2013-12765, against the  
 6 State of Nebraska, pay to Ruben Maravilla-Servin and Heldt and  
 7 McKeone, P.O. Box 1050, 710 North Grant Street, Lexington, NE  
 8 68850-5050, out of the State Insurance Fund.

9 \$32,807 for Tort Claim Number 2013-12766, against the  
 10 State of Nebraska, pay to Brian McCoy, 6677 Route 96A, P.O. Box  
 11 239, Ovid, NY 14521, out of the State Insurance Fund.

12 \$29,996.27 for Tort Claim Number 2013-12904, against the  
 13 State of Nebraska, pay to Progressive Insurance, attention Chris  
 14 Woolfolk, P.O. Box 512929, Los Angeles, CA 90051-0924, out of the  
 15 State Insurance Fund.

16 \$2,000,000 for Tort Claim Number 2014-13083, against the  
 17 State of Nebraska, pay to Leonard Meeks and Martell Buchanan,  
 18 Co-Special Administrators of the Estate of Joyce Meeks, Lapin Law  
 19 Offices and Cavanagh Law Group, c/o Jeffrey Lapin, 8033 South 15th  
 20 Street, Suite A, Lincoln, NE 68512, out of the State Insurance  
 21 Fund.

22 The claims included in this section shall be paid through  
 23 Program 594 in Agency 65.

24 For informational purposes only, the appropriations  
 25 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
26 <u>GENERAL FUND</u>	<u>\$-0-</u>
1 <u>CASH FUND</u>	<u>\$-0-</u>
2 <u>REVOLVING FUND</u>	<u>\$2,637,803.27</u>
3 <u>TOTAL</u>	<u>\$2,637,803.27</u>

4       Sec. 3. The following sum of money, or so much thereof as  
 5 may be required, is hereby appropriated from the General Fund or  
 6 from other funds as indicated in the state treasury, not otherwise  
 7 appropriated, for the payment of workers' compensation claims which  
 8 have been settled by the Attorney General in the Nebraska Workers'  
 9 Compensation Court or in which court judgments have been entered  
 10 and which require the approval of the Legislature for payment.

11       \$150,000.00 for a workers' compensation claim, pay  
 12 to Kathleen Roberts and Gregory Coffey, attorney, Friedman Law  
 13 Offices, PC, 3800 Normal Boulevard, Suite 200, Lincoln, NE  
 14 68501-2009, out of the Workers' Compensation Claims Revolving Fund.

15       The claim included in this section shall be paid through  
 16 Program 593 in Agency 65.

17       For informational purposes only, the appropriation  
 18 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$150,000.00</u>
<u>TOTAL</u>	<u>\$150,000.00</u>

24       Sec. 4. The Director of Administrative Services is hereby  
 25 authorized and directed to draw his or her warrants upon the  
 26 funds in the state treasury enumerated in this act, in favor of  
 27 the several beneficiaries named in this act for the amount set  
 1       opposite their respective names upon the presentation of proper  
 2 vouchers therefor. The several amounts appropriated in this act  
 3 shall be in full payment of any and all claims, rights, causes  
 4 of action, damages, and demands of every character and kind owing  
 5 by or against the State of Nebraska, its officers, agents, and  
 6 employees, and their successors and assigns with respect to each  
 7 of the beneficiaries respectively in whose favor the appropriations  
 8 are made. The director shall not deliver any warrant for any  
 9 items appropriated in this act until a receipt and release in  
 10 full, releasing the State of Nebraska, its officers, employees, and  
 11 agents, and their successors and assigns, has been filed by each of  
 12 the beneficiaries respectively. Upon presentation of the warrants,  
 13 the State Treasurer is hereby directed to pay the same out of money  
 14 in the General Fund or out of money in other funds indicated in  
 15 this act not otherwise appropriated.

16       Sec. 5. The following requests were filed by state  
 17 agencies seeking permission to write off certain accounts. The  
 18 State Claims Board reviewed and approved the following requests:

19       \$108,009.81 for Request Number 2014-13271, made by the  
 20 Department of Roads.

21       \$286.29 for Request Number 2014-13278, made by the  
 22 Supreme Court.

23       \$7,546.27 for Request Number 2014-13323, made by the  
 24 Military Department.

- 25 \$747,545.18 for Request Number 2014-13354, made by the  
 26 Department of Health and Human Services.  
 27 \$16,385.66 for Request Number 2014-13356, made by the  
 1 Lottery Division of the Department of Revenue.  
 2 \$1,190.85 for Request Number 2014-13364, made by the  
 3 Department of Motor Vehicles.  
 4 \$7,572.57 for Request Number 2014-13370, made by the  
 5 Board of Educational Lands and Funds.  
 6 Sec. 6. Since an emergency exists, this act takes effect  
 7 when passed and approved according to law.

**LEGISLATIVE BILL 987.** Placed on Select File.

**LEGISLATIVE BILL 863.** Placed on Select File with amendment.  
 ER173 is available in the Bill Room.

**LEGISLATIVE BILL 1012.** Placed on Select File.

**LEGISLATIVE BILL 1103.** Placed on Select File.

**LEGISLATIVE BILL 560A.** Placed on Select File.

**LEGISLATIVE BILL 867A.** Placed on Select File with amendment.  
 ER174

- 1 1. On page 1, line 3, after "2014" insert "; and to
- 2 declare an emergency".

**LEGISLATIVE BILL 974A.** Placed on Select File.

**LEGISLATIVE BILL 251.** Placed on Select File with amendment.  
 ER175

- 1 1. On page 3, line 22, strike "2013" and insert "2014".

**LEGISLATIVE BILL 751.** Placed on Select File with amendment.  
 ER176

- 1 1. On page 2, line 3, strike "(a)" and insert "(1)"; in
- 2 line 5 strike "(b)" and insert "(2)"; in line 11 strike "(c)" and
- 3 insert "(3)"; and in line 19 strike "(d)" and insert "(4)".
- 4 2. On page 3, line 11; and page 11, line 5, after
- 5 "articles" insert "of incorporation".
- 6 3. On page 7, line 16, strike the first "the".
- 7 4. On page 10, line 23, after the semicolon insert "and".
- 8 5. On page 13, line 4; and page 17, line 25, before
- 9 "report" insert "benefit".
- 10 6. On page 15, line 17, after "the" insert "annual".
- 11 7. On page 19, line 20, strike "(4)" and insert "(1)".

**LEGISLATIVE BILL 751A.** Placed on Select File.

**LEGISLATIVE BILL 660.** Placed on Select File.

**LEGISLATIVE BILL 836.** Placed on Select File.

**LEGISLATIVE BILL 1114.** Placed on Select File.

**LEGISLATIVE BILL 1114A.** Placed on Select File.

**LEGISLATIVE BILL 967.** Placed on Select File with amendment.

ER177

- 1 1. In the Standing Committee amendments, AM2199:
- 2 a. On page 10, line 10, strike "rest" and insert
- 3 "remaining amount";
- 4 b. On page 20, line 2, strike "fund", show as stricken,
- 5 and insert "Excellence in Teaching Cash Fund";
- 6 c. On page 52, line 6, after "such" insert "funds";
- 7 d. On page 54, line 27, after "increase" insert
- 8 "achievement";
- 9 e. On page 55, line 2, strike "department" and insert
- 10 "State Department of Education"; and
- 11 f. On page 67, line 12, strike "or" and show as stricken.
- 12 2. On page 1, strike beginning with "schools" in
- 13 line 1 through 14 and insert "education; to amend sections
- 14 1-116, 79-526, 79-535, 79-1101, 79-1102, and 79-1337, Reissue
- 15 Revised Statutes of Nebraska, sections 79-319, 79-759, 79-8,133,
- 16 79-8,137.01, 79-8,137.05, 79-1011, 79-1012, and 85-2407, Revised
- 17 Statutes Cumulative Supplement, 2012, and sections 9-812, 79-1003,
- 18 79-1007.11, 79-1007.23, 79-1007.25, 79-1017.01, 79-1028.01,
- 19 79-1118.01, 79-2306, 85-1603, 85-1604, and 85-2405, Revised
- 20 Statutes Supplement, 2013; to change provisions relating to
- 21 accountant licensing examination accreditation, education funding,
- 22 powers and duties of school boards, boards of education, the
- 23 State Board of Education, the State Department of Education,
- 1 and the Coordinating Commission for Postsecondary Education, the
- 2 Attracting Excellence to Teaching Program, the Enhancing Excellence
- 3 in Teaching Program, the Tax Equity and Educational Opportunities
- 4 Support Act, and early childhood education programs; to provide
- 5 for appointment of a student achievement coordinator; to redefine
- 6 disability relating to special education; to change provisions
- 7 relating to distance education program incentives and regulation;
- 8 to change provisions relating to the Private Postsecondary Career
- 9 School Act; to harmonize provisions; to repeal the original
- 10 sections; and to declare an emergency."

**LEGISLATIVE BILL 1087.** Placed on Select File with amendment.

ER178 is available in the Bill Room.

(Signed) John Murante, Chairperson

**AMENDMENTS - Print in Journal**

Senator Lathrop filed the following amendment to LB560:  
AM2391

(Amendments to E & R amendments, ER161)

- 1 1. On page 3, line 3, after "hours" insert "for which";
- 2 and in line 4 strike "worked" and insert "was paid".

Senator Coash filed the following amendment to LB853:  
AM2441

(Amendments to E & R amendments, ER162)

- 1 1. Insert the following new section:
- 2 Sec. 45. Section 71-3405, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 71-3405 For purposes of the Child and Maternal Death
- 5 Review Act:
- 6 (1) Child means a person from birth to eighteen years of
- 7 age;
- 8 (2) Investigation of child death means a review of
- 9 existing records and other information regarding the child from
- 10 relevant agencies, professionals, and providers of medical, dental,
- 11 prenatal, and mental health care. The records to be reviewed
- 12 may include, but not be limited to, medical records, coroner's
- 13 reports, autopsy reports, social services records, records of
- 14 alternative response cases under alternative response demonstration
- 15 projects implemented in accordance with sections 2 to 4 of this
- 16 act, educational records, emergency and paramedic records, and law
- 17 enforcement reports;
- 18 (3) Investigation of maternal death means a review of
- 19 existing records and other information regarding the woman from
- 20 relevant agencies, professionals, and providers of medical, dental,
- 21 prenatal, and mental health care. The records to be reviewed may
- 22 include, but not be limited to, medical records, coroner's reports,
- 1 autopsy reports, social services records, educational records,
- 2 emergency and paramedic records, and law enforcement reports;
- 3 (4) Maternal death means the death of a woman during
- 4 pregnancy or the death of a postpartum woman;
- 5 (5) Postpartum woman means a woman during the period of
- 6 time beginning when the woman ceases to be pregnant and ending one
- 7 year after the woman ceases to be pregnant;
- 8 (6) Preventable child or maternal death means the death
- 9 of any child or pregnant or postpartum woman which reasonable
- 10 medical, social, legal, psychological, or educational intervention
- 11 may have prevented. Preventable child or maternal death includes,
- 12 but is not limited to, the death of a child or pregnant or
- 13 postpartum woman from (a) intentional and unintentional injuries,
- 14 (b) medical misadventures, including untoward results, malpractice,
- 15 and foreseeable complications, (c) lack of access to medical care,
- 16 (d) neglect and reckless conduct, including failure to supervise

- 17 and failure to seek medical care for various reasons, and (e)  
18 preventable premature birth;  
19 (7) Reasonable means taking into consideration the  
20 condition, circumstances, and resources available; and  
21 (8) Team means the State Child and Maternal Death Review  
22 Team.  
23 2. On page 4, line 19, after "implementation" insert  
24 "plan".  
25 3. On page 5, strike line 3 and insert "this section to  
26 the commission and electronically to the Legislature by November".  
27 4. On page 7, lines 4 and 5, strike "the provisions of  
1 this legislative bill" and insert "sections 2 to 4 of this act";  
2 and strike beginning with "that" in line 24 through "and" in line  
3 26 and insert "pursuant to the department's rules, regulations, and  
4 policies, to evaluate the information, and to".  
5 5. On page 9, line 8, after the second comma insert "the  
6 age of the child or children".  
7 6. On page 13, strike beginning with "The" in line 10  
8 through the period in line 11 and show as stricken.  
9 7. Renumber the remaining sections and correct the  
10 repealer accordingly.

### MESSAGES FROM THE GOVERNOR

March 12, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

John F. Krager III, 15205 Bauman Avenue, Omaha, NE 68116

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 12, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Foster Care Advisory Committee:

Elizabeth Neeley, 1525 N. 1st Street, Seward, NE 68434  
Sandra Kruback, 9524 S. Coyote Lane, North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 14, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Electrical Board:

James S. Brummer, 1823 Imperial Road, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures



March 14, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust Board:

Kevin Peterson, 13010 K Road, Osceola, NE 68651

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 17, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Board of Parole:

Rosalyn Cotton, 17189 Manderson Street, Omaha, NE 68116

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 472, 473, 474, 475, 476, 477, 478, 479, 480, and 481 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 472, 473, 474, 475, 476, 477, 478, 479, 480, and 481.

**SELECT FILE**

**LEGISLATIVE BILL 132.** ER152, found on page 760, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 728.** ER153, found on page 764, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 884.** ER151, found on page 785, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1014.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 986.** ER157, found on page 846, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 974.** ER166, found on page 849, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 974A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 854.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 941.** ER164, found on page 855, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 941A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 692.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 464.** ER33, found on page 817, First Session, 2013, was adopted.

Senator Krist withdrew his amendment, AM1674, found on page 345.

Senator Ashford withdrew his amendment, AM1734, found on page 401.

Senator Krist offered his amendment, AM2163, found on page 717.

Senator Krist offered the following amendment to his amendment:

AM2419

(Amendments to AM2163)

1 1. Strike section 5 and insert the following new section:  
 2 Sec. 5. The Department of Health and Human Services,  
 3 as the single state agency administering the Title IV-E state  
 4 plan, has the authority to enter into the agreement with the  
 5 Office of Probation Administration to act as a surrogate of the  
 6 Department of Health and Human Services to administer the Title  
 7 IV-E state plan for children it has placement and care authority  
 8 of. The Department of Health and Human Services as the public  
 9 agency administering or supervising the administration of the Title  
 10 IV-E State Plan in accordance with section 472(a)(2)(B)(ii) of the  
 11 federal Social Security Act, 42 U.S.C. 672(a)(2)(B)(ii), to obtain  
 12 federal reimbursement for allowable maintenance, administrative,  
 13 and training expenses in accordance with Title IV-E of the  
 14 federal Social Security Act, Public Law 96-272, Public Law 105-89,  
 15 and Public Law 110-351, maintains the ultimate responsibility  
 16 to supervise the Office of Probation Administration's activities  
 17 regarding the Title IV-E requirements for eligible children served  
 18 under the agreement.  
 19 The Office of Probation Administration has placement  
 20 and care responsibility for juveniles in out-of-home placement,  
 21 also known as foster care, described in subdivision (1), (2),  
 22 (3)(b), or (4) of section 43-247. Placement and care constitutes  
 1 accountability for the day-to-day care and protection of juveniles.  
 2 The responsibility of having placement and care includes the  
 3 development of an individual case plan for the juvenile, including  
 4 periodic review of the appropriateness and suitability of the  
 5 plan and the foster case placement, to ensure that proper care  
 6 and services are provided to facilitate return to the juvenile's  
 7 own home or to make an alternative placement. The case plan  
 8 activities include such items as assessing family strength and  
 9 needs, identifying and using community resources, and the period

- 10 review and determination of continued appropriateness of placement.  
 11 Placement and care does not include rights retained by the legal  
 12 custodian, including, but not limited to, provisions and decisions  
 13 surrounding education, morality, religion, discipline, and medical  
 14 care.

The Krist amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The Krist amendment, AM2163, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Ashford offered his amendment, AM2164, found on page 709.

Senator Ashford offered the following amendment to his amendment:  
 AM2450

(Amendments to Ashford amendments, AM2164)

- 1 1. Insert the following new amendment:
- 2 3. Change the operative date so that the sections added
- 3 by this amendment become operative three calendar months after the
- 4 adjournment of this legislative session.

Senator Ashford moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Ashford amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

The Ashford amendment, AM2164, as amended, was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## RESOLUTION

**LEGISLATIVE RESOLUTION 487.** Introduced by McCoy, 39.

WHEREAS, improving access to quality health care for all Nebraskans is essential to improving the health of the state's population and strengthening the state's economy; and

WHEREAS, health benefits for all Nebraskans should be attained in a manner that encourages personal responsibility, leverages insurance offered by employers and private insurance companies, and seeks to improve the health outcomes and financial security of those receiving benefits; and

WHEREAS, health insurance in Nebraska should be provided in a manner that encourages fiscal responsibility, safeguards the interests of Nebraska taxpayers, and protects Nebraska jobs; and

WHEREAS, health care reform enacted by the United States Congress should recognize that the most cost effective health care coverage fits the individual needs of the consumer and encourages increased competition, consumer choice, and cost reduction within the private marketplace; and

WHEREAS, such reform by Congress should allow small businesses and individuals to pool together to purchase health care coverage; and

WHEREAS, such reform by Congress should provide continuity and portability of coverage by allowing the purchase of health care coverage across state lines; and

WHEREAS, such reform by Congress should allow the purchase of health care coverage that does not infringe on a consumer's religious rights or personal beliefs; and

WHEREAS, such reform by Congress should seek to reform medical liability and thus mitigate defensive medicine practices and lower health care costs; and

WHEREAS, such reform by Congress should allow consumers greater flexibility in their health spending by easing restrictions on the utilization of health savings accounts; and

WHEREAS, such reform by Congress should include reforms to Medicaid to provide states greater flexibility in spending to maximize market efficiencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the United States Congress to take affirmative action to enact comprehensive health care reform which adopts the considerations, provides the protections, and secures the rights and interests described in this resolution.

2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR487 was referred to the Reference Committee.

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 488.** Introduced by Davis, 43; Kintner, 2.

WHEREAS, Louis Knoflicek was born on May 16, 1914, on the family farm near Plattsmouth, Nebraska; and

WHEREAS, Louis attended Plattsmouth High School where he played on the basketball team that went to the 1932 State Basketball Tournament; and

WHEREAS, Louis majored in agriculture at the University of Nebraska, was a member of Farmhouse Fraternity, met his future wife Winifred White at a square dance, and graduated in 1942; and

WHEREAS, during World War II, Louis served in Panama as a master sergeant with the 6th Army Air Corps; and

WHEREAS, Louis and Winifred were married on August 16, 1944, while on a 30-day furlough from the service, and they had 3 children named Kathryn, Michael, and David, 9 grandchildren, and 18 great-grandchildren; and

WHEREAS, Louis worked for the Nebraska Certified Potato Growers Association until he and his business partner, Ed Weaver, started Western Potatoes Company to supply potatoes to Weaver's Potato Chips; and

WHEREAS, Louis expanded the Western Potatoes Company to supply additional companies, including Frito-Lay, with potatoes for chips and seed, and upon retirement Louis sold the company to his employees under the employee stock ownership plan; and

WHEREAS, during his career, Louis was a member of the Nebraska Potato Development Committee and the Potato Association of America, and was appointed by former Governor J. James Exon to the Nebraska Natural Resources Commission; and

WHEREAS, in 1980 Louis received the Panhandle Outstanding Service to Agriculture Award from the University of Nebraska-Lincoln Panhandle Research and Extension Center; and

WHEREAS, after Winifred passed away, Louis was married again to Phyllis Rothwell Curtiss on October 19, 1991, and added Phyllis' four children, Larry, Jim, Mary, and Jeanne, along with Phyllis' 12 grandchildren and 22 great-grandchildren, to his family; and

WHEREAS, Louis Knoflicek will celebrate his 100th birthday on May 16, 2014, with an open house for his community, family, and friends in Alliance, Nebraska, and Louis will continue to celebrate this event at a party in Alliance on May 17.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Louis Knoflicek on the occasion of his 100th birthday on May 16, 2014.
2. That a copy of this resolution be sent to Louis Knoflicek at Highland Park Care Center in Alliance, Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 489.** Introduced by Larson, 40.

WHEREAS, Seth Shanks of Emerson, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Seth has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Seth constructed a two-foot tall white wooden cross with American flags attached to be placed in the cemetery during the annual Memorial Day program; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Seth, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Seth Shanks on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Seth Shanks.

Laid over.

**LEGISLATIVE RESOLUTION 490.** Introduced by Crawford, 45.

WHEREAS, Brent Myers is a successful social studies teacher at the Mission Middle School in Bellevue, Nebraska; and

WHEREAS, Brent is one of 36 teachers nationwide to be selected as a National History Day Behring Teacher Ambassador; and

WHEREAS, Brent was nationally recognized for this honor by excelling in developing his students' interest in history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Brent Myers on being selected as a National History Day Behring Teacher Ambassador.

2. That a copy of this resolution be sent to Brent Myers at the Mission Middle School in Bellevue.

Laid over.

**LEGISLATIVE RESOLUTION 491.** Introduced by Davis, 43; Brasch, 16; Carlson, 38; Christensen, 44; Johnson, 23; Scheer, 19; Schilz, 47; Wallman, 30; Watermeier, 1.

PURPOSE: The purpose of this resolution is to study the application of LB985 (2014) and the need to clarify and expand the application of LB985 to other political subdivisions. While current statutes provide that certain political subdivisions have the power and authority to bring, defend, or intervene in judicial and quasi-judicial actions to protect and conserve the quantity or quality of ground water and surface water resources, agency and court interpretations of such statutes have raised questions regarding the

actual power and authority of a political subdivision to establish standing when an agency's proposed action will impair or alter the political subdivision's ability to carry out its statutory duties and responsibilities. This study shall include, but not be limited to, the following issues:

(1) An examination of the current standing principles before the Department of Natural Resources;

(2) A determination of the adequacy and effectiveness of current statutes; and

(3) Any other issues that the committee deems relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Brummer, James S. - State Electrical Board - General Affairs

Cotton, Rosalyn - Nebraska Board of Parole - Judiciary

Krager, John F., III - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Kruback, Sandra - Foster Care Advisory Committee - Health and Human Services

Neeley, Elizabeth - Foster Care Advisory Committee - Health and Human Services

Peterson, Kevin - Nebraska Environmental Trust Board - Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

#### **COMMITTEE REPORT**

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dean Cerny - Nebraska Motor Vehicle Industry Licensing Board

Donald Hansen - Nebraska Motor Vehicle Industry Licensing Board

Angela Quinn - Nebraska Motor Vehicle Industry Licensing Board



Aye: 5 Brasch, Dubas, Hadley, Smith, Watermeier. Nay: 0. Absent: 3 Janssen, McCoy, Murante. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 887A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, sections 102, 111, and 161; to appropriate funds to aid in carrying out the provisions of Legislative Bill 887, One Hundred Third Legislature, Second Session, 2014; to state intent; to repeal the original sections; and to declare an emergency.

### **VISITORS**

Visitors to the Chamber were 90 fourth-grade students, teachers, and sponsors from Aurora; 18 twelfth-grade students, teacher, and sponsors from Bertrand; and 20 twelfth-grade students and teacher from Southwest High School, Bartley.

### **RECESS**

At 12:02 p.m., on a motion by Senator Seiler, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

### **ROLL CALL**

The roll was called and all members were present except Senator Christensen who was excused; and Senators Ashford, Coash, Davis, Dubas, K. Haar, Janssen, Kolowski, Lautenbaugh, and Sullivan who were excused until they arrive.

### **COMMITTEE REPORTS**

Judiciary

**LEGISLATIVE BILL 811.** Placed on General File with amendment. AM2400 is available in the Bill Room.

**LEGISLATIVE BILL 1034.** Placed on General File with amendment.  
AM2343

1 1. On page 2, line 7, after "or" insert "live".

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Darrell E. Fisher Executive Director - Nebraska Commission on Law Enforcement and Criminal Justice

Aye: 8 Ashford, Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 887.** Title read. Considered.

Committee AM2032, found on page 657, was offered.

Senator Campbell asked unanimous consent to withdraw her amendment, AM2370, found on page 886, and replace it with her substitute amendment, AM2437, to the committee amendment. No objections. So ordered.  
AM2437

(Amendments to Standing Committee amendments, AM2032)

1 1. On page 29, strike beginning with the second comma in  
2 line 20 through "Services" in line 22; and in line 23 strike the  
3 comma.

**SENATOR KRIST PRESIDING**

Senator Campbell moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Campbell requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Adams	Conrad	Gloor	Karpisek	Nordquist
Ashford	Cook	Haar, K.	Kolowski	Schumacher
Avery	Crawford	Hadley	Lathrop	Wallman
Bolz	Davis	Harr, B.	McGill	
Chambers	Dubas	Howard	Mello	

Voting in the negative, 0.

Present and not voting, 24:

Bloomfield	Garrett	Kintner	Murante	Seiler
Brasch	Hansen	Krist	Nelson	Smith
Campbell	Harms	Larson	Pirsch	Watermeier
Carlson	Janssen	Lautenbaugh	Scheer	Wightman
Coash	Johnson	McCoy	Schilz	

Excused and not voting, 2:

Christensen Sullivan

The Campbell amendment lost with 23 ayes, 0 nays, 24 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 492.** Introduced by Crawford, 45; McGill, 26; Nordquist, 7.

WHEREAS, Marissa Janning is a guard for the Creighton University Bluejays women's basketball team; and

WHEREAS, Marissa led the Creighton Bluejays to a 2013-14 regular season record of 19-13; and

WHEREAS, Marissa was named the 2014 Big East Conference Women's Basketball Player of the Year; and

WHEREAS, Marissa led the Big East Conference in scoring with 18.3 points per game and a free-throw percentage of over 86 percent.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Marissa Janning on being named the 2014 Big East Conference Women's Basketball Player of the Year and recognizes her outstanding athletic achievements.

2. That a copy of this resolution be sent to Marissa Janning.

Laid over.

**LEGISLATIVE RESOLUTION 493.** Introduced by Crawford, 45; McGill, 26.

WHEREAS, Dr. Subhash Bhatia has received the 2014 Irma Bland Award for Excellence in Teaching Residents from the American Psychiatric Association; and

WHEREAS, Dr. Bhatia has taught at Creighton University's School of Medicine for almost 40 years, and also serves as the chief of mental health

and behavioral services at the United States Department of Veterans Affairs Nebraska-Western Iowa Health Care System; and

WHEREAS, Dr. Bhatia supervises the Creighton University School of Medicine's student-run Magis Clinic which provides free services to the homeless and uninsured; and

WHEREAS, Dr. Bhatia has been listed multiple times in "The Best Doctors of America."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Dr. Subhash Bhatia on receiving the 2014 Irma Bland Award for Excellence in Teaching Residents from the American Psychiatric Association and recognizes his work in providing important access to quality mental health services.

2. That a copy of this resolution be sent to Dr. Subhash Bhatia.

Laid over.

#### AMENDMENTS - Print in Journal

Senator K. Haar filed the following amendment to LB967:  
AM2462

(Amendments to Standing Committee amendments, AM2199)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 72-201, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 72-201 (1) The Board of Educational Lands and Funds shall
- 5 consist of five members to be appointed by the Governor with the
- 6 consent of a majority of the members elected to the Legislature.
- 7 One member shall be appointed from each of the congressional
- 8 districts as the districts were constituted on January 1, 1961,
- 9 and a fifth member shall be appointed from the state at large. One
- 10 member of the board shall be competent in the field of investments.
- 11 The initial members shall be appointed to take office on October
- 12 1, 1955, and shall hold office for the following periods of time:
- 13 The member from the first congressional district for one year; the
- 14 member from the second congressional district for two years; the
- 15 member from the third congressional district for three years; the
- 16 member from the fourth congressional district for four years; and
- 17 the member from the state at large for five years. As the terms
- 18 of the members expire, the Governor shall appoint or reappoint
- 19 a member of the board for a term of five years, except members
- 20 appointed to fill vacancies whose tenures shall be the unexpired
- 21 terms for which they are appointed. If the Legislature is not
- 22 in session when such members, or some of them, are appointed by
- 1 the Governor, such members shall take office and act as recess
- 2 appointees until the Legislature next thereafter convenes. ~~Until~~
- 3 ~~October 1, 2011, the~~ The compensation of the members shall be
- 4 ~~forty~~ fifty dollars per day for each day's time actually engaged

5 in the performance of the duties of their office. ~~Before, on,~~  
 6 ~~and after October 1, 2011, each~~ Each member shall be paid his or  
 7 her necessary traveling expenses incurred while upon business of  
 8 the board as provided in sections 81-1174 to 81-1177. The board  
 9 shall cause all school, university, agricultural college, and state  
 10 college lands, owned by or the title to which may hereafter vest  
 11 in the state, to be registered, leased, and sold as provided in  
 12 sections 72-201 to 72-251 and shall have the general management  
 13 and control of such lands and make necessary rules not provided by  
 14 law. The funds arising from these lands shall be disposed of in the  
 15 manner provided by the Constitution of Nebraska, sections 72-201 to  
 16 72-251, and other laws of Nebraska not inconsistent herewith.

17 (2) No person shall be eligible to membership on the  
 18 board who is actively engaged in the teaching profession, who holds  
 19 or has any financial interest in a school land lease, who is a  
 20 holder of or a candidate for any state office or a member of any  
 21 state board or commission, or who has not resided in this state for  
 22 at least three years.

23 (3) The board shall elect one of its members as  
 24 chairperson of the Board of Educational Lands and Funds. In  
 25 the absence of the chairperson, any member of the board may, upon  
 26 motion duly carried, act in his or her behalf as such chairperson.  
 27 It shall keep a record of all proceedings and orders made by it. No  
 1 order shall be made except upon the concurrence of at least three  
 2 members of the board. It shall make all orders pertaining to the  
 3 handling of all lands and funds set apart for educational purposes.

4 (4) The board shall maintain an office in Lincoln and  
 5 shall meet in its office not less than once each month.

6 (5) The board may appoint a secretary for the board. The  
 7 compensation of the secretary shall be payable monthly, as fixed by  
 8 the board.

9 2. Renumber the remaining sections and amend the repealer  
 10 accordingly.

Senator K. Haar filed the following amendment to LB965:  
 AM2461

(Amendments to Standing Committee amendments, AM2045)

- 1 1. On page 1, line 3, after the semicolon insert "in line
- 2 19 strike 'costs';"; and strike beginning with "the" in line 12
- 3 through "8" in line 13 and insert "'costs' in line 8 and insert
- 4 'water usage'".

**GENERAL FILE**

**LEGISLATIVE BILL 887.** Senator Campbell offered the following motion:  
MO144  
Reconsider the vote taken on AM2437.

**SENATOR COASH PRESIDING**

Pending.

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 946.** Placed on Select File with amendment.  
ER179 is available in the Bill Room.

(Signed) John Murante, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1093A.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, section 18, and Laws 2013, LB216A, section 1; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1093, One Hundred Third Legislature, Second Session, 2014; and to repeal the original sections.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 494.** Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School boys' basketball team won the 2014 Class D-2 Boys' State Basketball Championship by defeating High Plains High School by a score of 62-47; and

WHEREAS, the win gave the Bancroft-Rosalie Panthers their first ever boys' state basketball championship; and

WHEREAS, the Bancroft-Rosalie High School boys' basketball team ended their season with a record of 26 wins and 4 losses; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Bancroft-Rosalie High School boys' basketball team on winning the 2014 Class D-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School boys' basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 495.** Introduced by Janssen, 15.

WHEREAS, Sheila Monke was selected as the 2014 Nebraska Mother of the Year by the Nebraska Mothers Association; and

WHEREAS, Sheila is a former teacher who spent much of her career working with children with special needs; and

WHEREAS, Sheila and her husband of 35 years, David Monke, live north of Fontanelle on the farm that her husband's family homesteaded in 1871 and together run the family business, Nebraska Irrigated Seeds, in Nickerson, North Bend, and Fremont; and

WHEREAS, Sheila and David raised three exceptional children, Jacob, Kate, and Adam, and Sheila is an outstanding mother-in-law to Kris Kavan and Sarah Monke, a daughter-in-law to Patty Wipperling, and a grandmother to Fiona and Jacobi Kavan; and

WHEREAS, Sheila is a past president of the board at The Bridge crisis center, a board member of the Fremont Area Medical Center Foundation, a board member of the Fremont Area Community Foundation, and a Eucharistic Minister at St. Patrick's Catholic Church in Fremont; and

WHEREAS, Sheila will be honored at the 79th national convention of American Mothers, Inc. in Colorado Springs, Colorado, in April 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Sheila Monke on her selection as the 2014 Nebraska Mother of the Year.
2. That a copy of this resolution be sent to Sheila Monke.

Laid over.

#### **AMENDMENTS - Print in Journal**

Senator Mello filed the following amendment to LB905:

AM2408

(Amendments to Standing Committee amendments, AM2019)

- 1 1. Purpose: Insert new section to add a fund name to the
- 2 fund listing.
- 3 Amendment:
- 4 a. Insert the following new section:
- 5 Sec. 76. Laws 2013, LB195, section 265, is amended to
- 6 read:
- 7 Sec. 265. REFUND AND DISTRIBUTIVE FUNDS.
- 8 The receipts for FY2013-14 and FY2014-15 inuring to the
- 9 several refund and distributive funds, together with any amounts
- 10 held in account by the State Treasurer on June 30, 2013, are hereby

11 credited to each of the funds respectively, which funds are hereby  
 12 appropriated for FY2013-14 and FY2014-15:  
 13 (1) State Treasurer: Car Line Refund Fund, Insurance Tax  
 14 Fund, Highway Allocation Fund, Aircraft Fuel Tax Fund, Severance  
 15 Tax Fund, Suspense Fund, State Treasurer's Land Sales Distributive  
 16 Fund, State Fleet Card Fund;  
 17 (2) State Department of Education: Public Grazing Fund,  
 18 Forest Reserve Fund, Flood Control Fund, Insurance Tax Fund;  
 19 (3) Department of Labor: Income Tax Setoff Fund;  
 20 (4) Department of Motor Vehicles: International  
 21 Registration Plan Distributive Fund;  
 22 (5) Department of Health and Human Services: Child  
 1 Support Operations Distribution Fund, Supplemental Security Income  
 2 Distribution Fund, Food Distribution Fund;  
 3 (6) Department of Roads: State Aid Bridge Fund;  
 4 (7) Nebraska Library Commission: NEBASE Fund;  
 5 (8) Coordinating Commission for Postsecondary Education:  
 6 State Student Incentive Grant Match Fund;  
 7 (9) Department of Administrative Services: Imprest  
 8 Payroll Distributive Fund, State Purchasing Card Distributive Fund;  
 9 and  
 10 (10) Public Employees Retirement Board: Deferred  
 11 Compensation Fund.  
 12 b. On page 84, line 20, strike "and 264" and insert "264,  
 13 and 265"; and  
 14 c. Renumber the remaining sections and correct internal  
 15 references accordingly.  
 16 2. Purpose: To establish a contingency appropriation to  
 17 fund the deficit resulting from the shortfall in LB561A in the  
 18 Supreme Court for FY2013-14 through General Fund reductions in two  
 19 Department of Health and Human Service Programs. In Program 347 -  
 20 Public Assistance, excess General Fund appropriations are reduced.  
 21 In Program 348 - Medicaid, additional cash funds from the False  
 22 Medicaid Claims Act are appropriated to free up General Funds for  
 23 the transfer to the Supreme Court.  
 24 Amendment:  
 25 a. Insert the following new section:  
 26 Sec. 12. AGENCY NO. 5 - SUPREME COURT  
 27 Program No. 436 - Juvenile Services Project Contingency

	<u>FY2013-14</u>	<u>FY2014-15</u>
1		
2	<u>7,400,000</u>	<u>-0-</u>
3	<u>7,400,000</u>	<u>-0-</u>
4	<u>There is included in the appropriation to this program</u>	
5	<u>for FY2013-14 \$7,400,000 General Funds set aside to reflect a</u>	
6	<u>potential shortfall in funds appropriated in Laws 2013, LB561A,</u>	
7	<u>for FY2013-14. No expenditures shall be made from this program.</u>	
8	<u>The probation administrator, or his or her designee, shall</u>	
9	<u>certify to the budget administrator of the budget division of</u>	
10	<u>the Department of Administrative Services the amounts necessary</u>	



11 to supplement General Funds appropriated by Laws 2013, LB561A,  
 12 to Program No. 435 - Probation Community Corrections, if such  
 13 General Fund appropriation to Program 435 is insufficient. The  
 14 budget administrator shall administratively transfer the available  
 15 appropriation balances as certified by the probation administrator,  
 16 or his or her designee, from appropriations contained in this  
 17 section to Program No. 435 - Probation Community Corrections.

18 b. On page 41, line 12, strike "108,359,868" and  
 19 insert "103,359,868"; in line 17 strike "214,979,439" and insert  
 20 "209,979,439"; and in line 19 strike "\$108,359,868" and insert  
 21 "\$103,359,868";

22 c. On page 42, line 21, strike "706,088,424" and  
 23 insert "703,688,424"; in line 23 strike "38,681,662" and insert  
 24 "41,081,662";

25 d. On page 43, line 2, strike "\$706,088,424" and insert  
 26 "\$703,688,424" and strike "\$38,681,662", show as stricken, and  
 27 insert "\$41,081,662"; and

1 e. Renumber the remaining sections and correct internal  
 2 references accordingly.

3 3. Purpose: To make technical harmonizing changes to the  
 4 appropriation.

5 Amendment:

6 a. Strike section 56 and insert the following new  
 7 section:

8 Sec. 26. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 9 SERVICES

10 Program No. 33 - Administration

	<u>FY2013-14</u>	<u>FY2014-15</u>
11 <u>GENERAL FUND</u>	<u>-0-</u>	<u>154,910</u>
12 <u>CASH FUND</u>	<u>-0-</u>	<u>500,000</u>
13 <u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>177,090</u>
14 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>832,000</u>
15 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>335,722</u>

17 There is included in the appropriations to this program  
 18 made by the One Hundred Third Legislature, First and Second  
 19 Sessions, for FY2013-14 \$500,000 General Funds for the electronic  
 20 records initiative, which shall only be used for such purpose.

21 There is included in the appropriations to this program made by  
 22 the One Hundred Third Legislature, First and Second Sessions, for  
 23 FY2014-15 \$500,000 General Funds and \$500,000 Cash Funds from the  
 24 Health and Human Services Cash Fund for the electronic records  
 25 initiative, which shall only be used for such purpose.

26 There is included in the appropriations to this program  
 27 made by the One Hundred Third Legislature, First and Second  
 1 Sessions, for FY2013-14 \$300,000 Cash Funds from the Health and  
 2 Human Services Cash Fund for vital records.

3 It is the intent of the Legislature that the Department  
 4 of Health and Human Services shall provide quarterly status reports  
 5 electronically as the Request for Proposal (RFP) is being developed

6 for the Medicaid Medical Information System (MMIS) as authorized in  
 7 the appropriations to this program. The department shall provide  
 8 a report electronically to the Legislature specifying the criteria  
 9 utilized for the RFP for the MMIS replacement contract prior to the  
 10 release of the RFP. The criteria shall include, but not be limited  
 11 to, the successful completion of MMIS projects in other states and  
 12 quality ongoing customer services provided during implementation of  
 13 the project. The department shall evaluate utilizing an independent  
 14 consultant to develop the MMIS RFP and evaluate respondents thereto  
 15 in order to maximize specific technical expertise in this regard  
 16 and to minimize political considerations. Upon awarding of the  
 17 contract, the department shall provide electronically to the  
 18 Legislature all documentation submitted by the entity that was  
 19 awarded the contract.

20 b. On page 84, line 19, strike "93,".

21 c. Renumber the remaining sections accordingly.

22 4. Purpose: Correct a reference to an act.

23 Amendment:

24 a. On page 5, strike line 11 and all amendments thereto  
 25 and insert "approved under the Sports Arena Facility Financing  
 26 Assistance".

27 5. Purpose: Add intent language.

1 Amendment:

2 a. On page 15, after line 24 insert:

3 "It is the intent of the Legislature that as part  
 4 of the replacement of the existing heating, ventilating, and  
 5 air conditioning systems serving the Nebraska State Capitol, the  
 6 Office of the Nebraska Capitol Commission seek to maximize energy  
 7 efficiency in the State Capitol to the extent possible, seek out  
 8 or utilize energy service companies to analyze potential energy  
 9 savings that could be incorporated into the project, work with  
 10 public power entities to identify potential grants, incentives,  
 11 and rebates that could reduce energy costs in the State Capitol,  
 12 and include equipment for ongoing measurement and monitoring of  
 13 energy consumption in the State Capitol to ensure accountability  
 14 and energy savings into the future.".

15 6. Purpose: Increase TEEOSA aid by \$110,322 to reflect  
 16 the final calculation of certified aid for FY2014-15.

17 Amendment:

18 a. On page 22, line 2, strike "1,120,366,915" and insert  
 19 "1,120,477,237"; in line 6 strike "1,414,496,991" and insert  
 20 "1,414,607,313"; in line 12 strike "\$1,120,366,915" and insert  
 21 "\$1,120,477,237"; and in line 21 strike "\$880,531,825" and insert  
 22 "\$880,642,147".

23 7. Purpose: Clarify that unexpended behavioral health aid  
 24 funds are to be allocated to behavioral health regions.

25 Amendment:

26 a. On page 39, in lines 16 and 17 strike "providers  
 27 of behavioral health services" and insert "the behavioral health

1 regions".

2 8. Purpose: To add explanatory language to cash and  
3 federal fund appropriations changes.

4 Amendment:

5 a. On page 44, after line 23 insert:

6 "There is included in the appropriation to this program  
7 for FY2014-15 \$7,700,000 Cash Funds from funds transferred from the  
8 University of Nebraska Medical Center and an estimated \$9,200,000  
9 federal funds for supplemental payments to the Nebraska Medical  
10 Center. The payments are allowed pending the approval of a Medicaid  
11 State Plan Amendment by the Centers for Medicare and Medicaid.

12 There is included in the appropriation to this program  
13 for FY2014-15 \$2,400,000 Cash Funds from the Health and Human  
14 Services Cash Fund (Fund 22555) for FY2014-15."

15 9. Purpose: Eliminate a general fund aid appropriation  
16 for the State Ward Permanency Pilot Project in FY2013-14 to correct  
17 an error.

18 Amendment:

19 a. On page 47, line 4, strike "110,673,012" and  
20 insert "109,173,012"; in line 7 strike "116,985,012" and insert  
21 "115,485,012"; and in line 9 strike "110,673,012" and insert  
22 "\$109,173,012"; and

23 b. On page 48, line 7, strike "for FY2013-14 \$1,500,000  
24 General Funds and".

Senator Chambers filed the following amendment to LB905:  
AM2464

(Amendments to Standing Committee amendments, AM2019)

1 Purpose: To remove the additional appropriation that  
2 would allow the Department of Correctional Services to contract  
3 with counties to house up to 150 Nebraska inmates in county jails.

4 Amendment:

5 1. On page 51, line 27, strike "171,557,925 179,722,069"  
6 and insert "170,834,321 175,495,444".

7 2. On page 52, line 5, strike "193,529,875 201,796,168"  
8 and insert "192,806,271 197,569,543".

9 3. On page 53, strike lines 10 through 17.

Senator Janssen filed the following amendment to LB987:  
AM2458

1 1. On page 13, after line 1 insert the following new  
2 subsection:

3 "(14) For taxable years beginning or deemed to begin  
4 on or after January 1, 2015, under the Internal Revenue Code of  
5 1986, as amended, an individual may make a one-time election within  
6 two calendar years after the date of his or her retirement from  
7 the military to exclude income received as a military retirement  
8 benefit by the individual to the extent included in federal  
9 adjusted gross income and as provided in this subsection. The

10 individual may elect to exclude forty percent of his or her  
 11 military retirement benefit income for seven consecutive taxable  
 12 years beginning with the year in which the election is made or may  
 13 elect to exclude fifteen percent of his or her military retirement  
 14 benefit income for all taxable years beginning with the year in  
 15 which he or she turns sixty-seven years of age. For purposes  
 16 of this subsection, military retirement benefit means retirement  
 17 benefits that are periodic payments attributable to service in  
 18 the uniformed services of the United States for personal services  
 19 performed by an individual prior to his or her retirement."

**GENERAL FILE**

**LEGISLATIVE BILL 887.** The Campbell motion, MO144, found in this day's Journal, to reconsider the vote taken on AM2437, was renewed.

Senator Cook moved the previous question. The question is, "Shall the debate now close?"

Senator Cook moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The motion to cease debate prevailed with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

Senator Campbell requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 30:

Adams	Chambers	Gloor	Karpisek	Nordquist
Ashford	Conrad	Haar, K.	Kolowski	Schumacher
Avery	Cook	Hadley	Krist	Seiler
Bolz	Crawford	Harms	Lathrop	Sullivan
Campbell	Davis	Harr, B.	McGill	Wallman
Carlson	Dubas	Howard	Mello	Wightman

Voting in the negative, 16:

Bloomfield	Janssen	McCoy	Scheer
Brasch	Johnson	Murante	Schilz
Garrett	Kintner	Nelson	Smith
Hansen	Lautenbaugh	Pirsch	Watermeier

Present and not voting, 2:

Coash	Larson
-------	--------

Excused and not voting, 1:

Christensen

The Campbell motion to reconsider prevailed with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Campbell amendment, AM2437, found in this day's Journal, to the committee amendment, was reconsidered.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

The Campbell amendment was adopted with 29 ayes, 7 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Campbell withdrew her amendments, AM2369, AM2368, and AM2367, found on pages 886 and 887.

Senator Watermeier offered the following amendment to the committee amendment:

AM2418

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 1, strike beginning with "in" in line 8
- 2 through "aims" in line 9 and insert "with the aim".

#### **SENATOR GLOOR PRESIDING**

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The motion to cease debate prevailed with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

The Watermeier amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following amendment to the committee amendment:

AM2331

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 20, strike beginning with "Such" in line 26
- 2 through line 27.
- 3 2. On page 21, strike lines 1 through 25.

### **SENATOR COASH PRESIDING**

Pending.

### **AMENDMENT - Print in Journal**

Senator Campbell filed the following amendment to LB887:

AM2438

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 30, line 27, strike "such" and insert
- 2 "information regarding potential".
- 3 2. On page 31, line 4, after "Act" insert ", including
- 4 amending, repealing, or affirming the Wellness in Nebraska Act".

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Krist asked unanimous consent to add his name as cointroducer to LR490. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were J.J. Green from Grand Island and Dave Skutnik from Doniphan; and Senator Avery's father-in-law, Jim Harrell, from Lincoln.

The Doctor of the Day was Dr. John Jacobsen from Omaha.

### **ADJOURNMENT**

At 8:12 p.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 9:00 a.m., Wednesday, March 19, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature